

**Dexter City Council Meeting
January 9, 2023**

Additional Updates

Residential Housing Facilities Act

On December 28, 2022, the Governor signed into law the [Residential Housing Facilities Act \(PA 227 of 2022\)](#). This new Act allows a city, township, or village to establish one or more residential housing districts. An owner of rental housing property rehabilitated or newly built in a residential housing district could receive a tax abatement (up to 12 years) on the property, if certain requirements were met. Notably, the property would have to be rented to a household with a combined annual income after specified adjustments of 120% or less of the county median income, and the rent could not exceed 30% of the household's income after specified modifications.

Qualified property owners would be exempt from standard ad valorem property taxes and instead would pay a specific tax, the residential housing facility tax, in an amount as determined under the bill. This abatement would apply to structures and not to land. New exemptions could not be granted after December 31, 2027, but exemptions then in effect could continue until they expired. Here is the link for a summary of the final bill: <http://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-0422-93C8567A.pdf>

Unlike PA 210, the Commercial Rehabilitation Act, which affords a tax incentive (i.e., tax abatement) for the rehabilitation of commercial property for the primary purpose and use of a commercial business and/or multi-family residential facilities, PA 227 is much more targeted. PA 227 is a tool specifically designed to aid in the development of attainable housing. Staff has reached out to Ann Arbor Spark for more information.

New Business – 8054 Main St (adjacent to Hotel Hickman)

This spring Downtown Dexter will have a new jewelry store. Steven Turchin has signed a lease to open a custom jewelry store. Steven has been a jeweler for 20 year and brings a wealth of experience with him, in this new venture. A date has not yet been set for the grand opening, but staff will announce once it's known.

3045 Broad St Update

1. Pursuant to the pre-development agreement with Common Sail, the city has applied for a \$33,900 Environmental Assessment Grant from the Washtenaw County Brownfield Authority (WC BRA) for Phase II, BEA And Due Care Activities associated with the five parcels that make up the 3045 Broad Street Redevelopment Area. The WC BRA Meeting is Thursday, Jan 12th. Staff will attend virtually.
2. The meeting between the 3045 Broad Street Committee and Common Sail has been scheduled for Tuesday, January 24th.



Responses to Questions from City Council

Questions Submitted by Council Member Griffin:

Would you please pass along any updates on the following, if there are any?

1. Code enforcement at 3536 Dover

1. 3536 Dover – Staff conducted a reinspection of the property at 3536 Dover on September 15, 2022. Staff observed the lawn was mowed, but the property owner had not addressed the junk/rubbish in the front yard or the inoperable and unlicensed truck and trailer in the side and rear yards. Following the inspection, staff contacted the Washtenaw County Sheriff and requested a ticket be issued to the property owner. Staff has informed the City Attorney, who will request a hearing and a court order from Washtenaw County 14A District Court, to allow the city or its contractor to clean up the property, with all costs associated with any cleanup to be paid by the property owner or a special tax against the property will be assessed, in accordance with the City's General Code and state tax laws. (September)

The property owner did not appear at a hearing on November 28, 2022. As a result, Judge Frushour scheduled a Show Cause Hearing for January 23, 2023.

Staff conducted an inspection on December 16, 2022 and documented the conditions observed. The inoperable red truck has been removed, but inoperable RV trailer had not. The trailer must be stored inside an enclosed building or removed from the property.

Much of the equipment and debris in the rear yard, which is being stored outdoors appears to have been organized into piles adjacent to the back of a shed or at the back of the principal structure. There is also a blue tarp over unknown materials that are being stored outdoors. All of that equipment and debris must be stored inside an enclosed building or removed from the property.

Haybales, temporary non-commercial signs, buckets, and nativity statues have been placed in the public right-of-way. That's the area between the street trees and the road. The haybales, temporary non-commercial signs, buckets, and nativity statues are not permitted in the public right-of-way and must be removed from the public right-of-way. Those items may be displayed, but only on private property (i.e., the area between his home and street trees).

If the above violations have not been satisfactorily mitigated by the time of the hearing on January 23, 2023, the City will ask the court for an order allowing the city to correct the violations, and the property owner will be responsible for all costs associated with that action.

2. Rental inspection ordinance

Rental Inspection Ordinance & Property Maintenance Code (4/11/22). Staff met to review the current status of the draft Rental Inspection Ordinance. Planning staff will be working to move this project forward by: 1) taking an inventory of existing property maintenance requirements in the General Code; 2) comparing the City's General Code requirements against the International Property Maintenance Code; 3) Identifying the best means to incorporate the IPMC into the City's General Code.

Staff and the city's intern are in the process of reviewing and comparing the City's General Code with the International Property Maintenance Code to identify duplications in advance of beginning to draft a rental inspection ordinance for the City.

3. Newsletter: Please ask Sanam whether her name/email address should be updated in the newsletter.

Staff updated the draft Winter Newsletter with Sanam Aldag's new last name after the draft was included in the packet.

4. Would you please remind me of the status of these stencils/stickers? My recollection is that we had selected a design and were ordering semi-permanent stickers to be affixed to City sidewalks this spring, is that correct?

That is correct. That order will be made closer to Spring so that the stickers don't lose any stickiness in storage.

Questions Submitted by Council Member Semifero:

1. City Mgr Report, 5.A. For Old National building tax tribunal case, are we represented at the hearing to defend the assessment?

Yes, the City is represented by the City Assessor, Marie Sherry, and the City Attorney, Scott Munzel. The latest status is that the prehearing call is scheduled for October 2023 (we have not received official notice of this yet – just saw it on the website).

2. On Bills and Payroll, has anyone ever asked about the listing of people's names next to the reimbursements for items such as:

Dept 172 CITY MANAGER
101-172-721.000 HEALTH & DENTAL INSURANCE DEXTER DENTAL CENTER REIMBURSEMENT FOR
[employee name] 197.00

Could or should this not display the individual's name? While I understand most of these are routine items, it does seem to be personal (Personally Health Info (PHI) or HIPAA related?) in nature and not something that should be disclosed on a public document such as this.

This is the first time that it has been brought to staff's attention. Staff will look into redacting the employee information going forward.

3. Rule 5: VOTING - Clarification of Voting

Per Charter, Section 6.05 ORGANIZATION, RULES AND ORDER OF BUSINESS

Each Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) The City Clerk shall keep, in the English language, a journal (minutes) of the proceedings of each meeting, which shall be signed by the presiding officer and City Clerk.

(b) Voting, except on **procedural motions**, shall be by roll call and the ayes and nays shall be recorded in the journal."

What is a Procedural Motion? Mayor Keough attempted a voice vote at last meeting for one of the items (approval of agenda or minutes) but we then conducted a voice vote. It appears Council Rules allows for currently allows for voice vote for approval of agenda, approval of minutes, and adjourn, but maybe these are not all "procedural" per the Charter? I could not find a definition of procedural motion in the Charter.

Staff was not able to immediately identify a definition of "procedural motion" in the Charter, Code of Ordinances, or City Council Rules. There are a number of references to "procedure" in the City

Charter, which makes sense, as most of the City's activities are procedural in nature (or have some type of procedure in place), but not specifically in reference to motions. The Charter defines motions, resolutions, and ordinances in Section 8.03 – Forms of Legislation, and the City Council Rules does identify types of motions that should be by roll call vote and those motions that are exempt from roll call votes (approval of the minutes, agenda, and adjournment). Robert's Rules of Order Newly Revised 9th Edition, does indicate that a vote by voice is a "regular method of voting on any motion that does not require more than a majority vote for its adoption."

However, when Covid hit and the State Legislature voted to temporarily amend the Open Meetings Act to permit virtual meetings, the guidance from the MML and municipal attorneys was that all motions should be by roll call vote. The current process appears to be a hold-over from the virtual meeting time period. Since the OMA amendments to allow virtual-only meetings have expired, per the Council Rules document, it appears that City Council could return to taking an ayes/nays voice vote on the approval of the agenda, minutes, and adjournment.

Charter Section 8.03 FORMS OF LEGISLATION

"(a) A resolution or motion shall be limited to matters required or permitted by the charter, by state or federal laws or pertaining to the internal affairs or concerns of the city government. A resolution is an official City Council action in the form of a motion adopted by a majority vote of the Council Members present.

(b) An ordinance is an official City Council action by an affirmative vote of four (4) or more elected Council Members, except as provided in Section 8.06c of this charter. An ordinance is a legislative act establishing a more permanent influence on the city than a resolution and requiring greater formalities in its adoption."

City Council Rule 3.1 Recording Responsibility

"The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all the action of the Council with respect to motions. The record shall include the names of the mover and seconded and the vote of the Council. The record shall also state whether the vote was by voice or by roll call, and, when by roll call, the record shall show the 'yes,' 'no,' and abstention for each member..."

City Council Rule 5 – Voting

"All votes of the Council shall be by roll call, except approval of the minutes, agenda, and adjournment. The Mayor shall be the last to vote on all roll call votes, and all other Council Members shall vote in random order..."

4. Board of Review: Memo from Marie on page 113 says 2x, table on page 119 says 2.2 times poverty level. Assuming 2.2 last year since recommendation is to not change?

There are no proposed changes other than the actual dollar amount threshold, which was adjusted for the current poverty levels as listed by the State Tax Commission.